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January 15, 2016

FILED ELECTRONICALLY VIA ECF

The Honorable George B. Daniels
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1310
New York, NY 10007-1312

Re: Brown v. DraftKings, Inc., No. 15-cv-8165 (GBD): Request for Adjournment of Initial Pretrial Conference

Dear Judge Daniels:

We represent Defendant DraftKings, Inc. ("DraftKings") in the above-referenced matter. We write to request a postponement of the initial pretrial conference in this action, which is currently scheduled to be held before Your Honor on February 10, 2016 at 9:30 AM (Dkt.10). In light of this Court's Order extending Defendant's deadline to respond to the complaint until after the Judicial Panel on Multidistrict Litigation ("JPML") has ruled on the pending petitions to consolidate this and more than sixty other putative class actions into MDL proceedings ("MDL Petitions") (Dkt. 8), we believe it would be premature to hold such a conference before the JPML rules on the MDL Petitions.

On December 16, 2015, the JPML issued a Notice of Hearing Session for January 28, 2016, which designated MDL Petitions No. 2677 and 2678, both of which include this matter, for oral argument on that date. The parties anticipate that the JPML will likely consolidate the pending actions before a single court, but that such a ruling may not be received until after February 10, 2016. If this matter is transferred by the JPML, the parties anticipate that the transferee court would set a global case management schedule that would supersede any dates that may be established at an initial pretrial conference in this case. In the interest of conserving judicial resources, we believe that this initial pretrial conference should not be held in such close proximity to the JPML's now-scheduled Hearing Session.

Therefore, this letter respectfully requests that the initial pretrial conference be postponed by 45 days until March 28, 2016 or such other date as this Court finds convenient, if this case is not consolidated in the MDL proceedings. We have consulted with counsel for Plaintiff, who does not object to this request. This Court granted our previously-requested adjournment of this conference (Dkt. 9) on December 15, 2015 (Dkt. 10).

GIBSON DUNN

The Honorable George B. Daniels
January 15, 2016
Page 2

Respectfully submitted,

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*Attorneys for Plaintiff Steven Brown,
On behalf of himself and all others
similarly situated*